



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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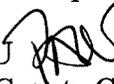
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MARK J. SALADINO
County Counsel

March 26, 2015

TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Rosie De La Trinidad, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 506 356

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Rosie De La Trinidad, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 506 356, in the amount of \$5,300,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This wrongful death lawsuit alleges excessive force arising from a shooting by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Rosie De La Trinidad, et al. v. County of Los Angeles
CASE NUMBER	BC 506356
COURT	Los Angeles County Superior Court
DATE FILED	4/19/2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 5,300,000
ATTORNEY FOR PLAINTIFF	Arnoldo Casillas, Esquire
COUNTY COUNSEL ATTORNEY	Joseph A. Langton
NATURE OF CASE	<p>This is a recommendation to settle for \$5,300,000, the lawsuit filed by Plaintiffs alleging wrongful death and excessive force by Los Angeles County Sheriff's Department Deputies.</p> <p>The Deputies contend that the deadly force used was reasonable and in response to Jose De La Trinidad's conduct.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$5,300,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 121,851
PAID COSTS, TO DATE	\$ 32,372



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Saturday, November 10, 2012, approximately 10:18 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Rosie De La Trinidad, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-049</p> <p>On Saturday, November 10, 2012, at approximately 10:18 p.m., two Los Angeles County sheriff deputies, assigned to the Los Angeles County Sheriff's Department's Century Station, were driving east on El Segundo Boulevard in their standard black and white, County of Los Angeles-owned patrol vehicle when they saw a vehicle traveling west on El Segundo Boulevard at a high rate of speed. The deputy sheriffs made a U-turn in order to initiate an enforcement stop on the driver of the vehicle.</p> <p>The two deputy sheriffs initiated a traffic stop on Wilmington Avenue, north of El Segundo Boulevard.</p> <p>As the two Los Angeles County deputy sheriffs approached the vehicle on foot, they observed the driver (decedent's brother) pass a handgun to the decedent. Before the two deputy sheriffs could react, the vehicle sped away from the scene.</p> <p>The two deputy sheriffs, and two additional deputy sheriffs who had arrived at the scene moments earlier, pursued the vehicle until it came to an abrupt stop adjacent to a parked car on East 122nd Street.</p> <p>The decedent immediately exited the vehicle.¹ He ran in front of the parked vehicle while bent over, looking down in the direction of the ground, with his hands in his waistband. When he reached the sidewalk, he ran directly toward a deputy sheriff. When he saw the deputy sheriff directly in front of him, he immediately twisted his upper body to the left while crouching over. Two deputy sheriffs, believing the decedent was reaching for a firearm in order to shoot at them, discharged their Department-issued duty weapons, striking him.</p> <p>The decedent was pronounced dead at the scene.</p>

¹ The driver of the vehicle, the decedent's brother, drove away.

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident was the deployment of deadly force by two members of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau.

The contents of Homicide Bureau's investigation were presented to representatives from the Los Angeles County District Attorney's Office to determine if any involved members of the Los Angeles County Sheriff's Department engaged in criminal misconduct. On May 27, 2014, the Los Angeles County District Attorney's Office concluded that the two deputy sheriffs involved in this incident "acted in lawful self-defense and defense of another when they used deadly force against" (the plaintiff).

The incident is now being investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine if any involved members of the Los Angeles County Sheriff's Department engaged in administrative misconduct. Since the investigation has not yet been completed, the results are not yet known. When the investigation has been completed, the results will be presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee.

On or before **September 30, 2015**, this corrective action plan will be supplemented with a report to include 1) the results of the administrative investigation; 2) any administrative action taken or discipline imposed; and, 3) any other corrective action measures identified and/or taken.

3. Are the corrective actions addressing department-wide system issues?

- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

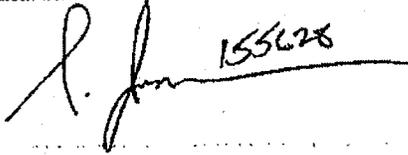
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Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



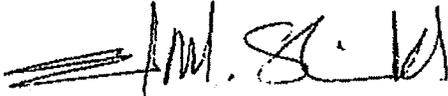
Date:

2-23-15

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

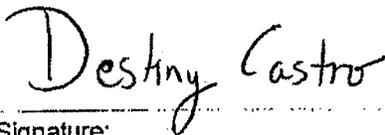
02/26/2015

Chief Executive Office Risk Management Inspector General USE ONLY

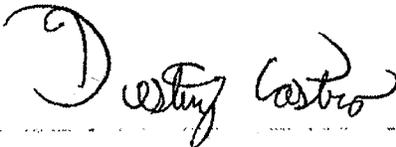
Are the corrective actions applicable to other departments within the County?

- Yes, the corrective actions potentially have County-wide applicability.
- No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)



Signature:



Date:

3/2/2015